

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

MILES SANFORD,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-09-155-F
)	
UNITED STATES OF AMERICA and)	
U.S. MARSHALS OF OKLAHOMA)	
OK CITY,)	
)	
Respondents.)	

REPORT AND RECOMMENDATION

Mr. Miles Sanford seeks a writ of habeas corpus. For the reasons set forth below, the undersigned recommends dismissal of the petition without prejudice to the filing of a new action.

On February 10, 2009, the Petitioner was ordered to pay the filing fee of \$5.00 or seek leave to proceed *in forma pauperis* by March 2, 2009. In addition, the Court reminded the Petitioner that “[t]he failure to timely comply with this order may result in dismissal of this action, without further notice.” Order to Cure Deficiency (Feb. 10, 2009).¹

The record reflects that as of the present date, the Petitioner has not paid the filing fee, filed a motion for pauper status, or requested an extension of time to comply with the

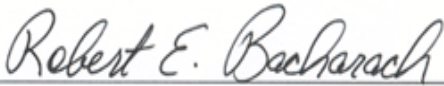
¹ Documents mailed to the Petitioner have been returned to the Clerk because Mr. Sanford is no longer at the Federal Transfer Center in Oklahoma City, Oklahoma. Local Civil Rule 5.4(a) requires any litigant to promptly notify the Court whenever his address changes during the pendency of the litigation. Under the rule, mailing of an order is sufficient when it is sent to the party’s last known address. *See* LCvR 5.4(a). The Clerk complied with the rule by sending all orders to Mr. Sanford’s last known address.

deadline. In these circumstances, the undersigned recommends dismissal without prejudice. *See* LCvR 3.3(e).

The Petitioner is advised of his right to object to this report and recommendation by April 2, 2009. *See* W.D. Okla. Local Civil Rule 72.1. If the Petitioner does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Petitioner is further advised that if he does not timely object, he will waive his right to review by the Tenth Circuit Court of Appeals. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation disposes of all issues referred to the undersigned in the present action.

Entered this 13th day of March, 2009.



Robert E. Bacharach
United States Magistrate Judge